IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

Bail Appl..No. 6999 of 2007()

CMP.7676/2007 of J.M.F.C., KODUNGALLUR
CRIME NO.822/07 OF KODUNGALLUR POLICE STATION

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: PETITIONERS/ACCUSED NOS.2 TO 5

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1. JAISON, S/O.JOSEPH,
   PALATHINGAL HOUSE, V.P.THURUTHU, METHALA,
   THRISSUR DISTRICT.

2. JANEESH, S/O.JOSEPH,
   PALATHINGAL HOUSE, V.P.THURUTHU,
   METHALA, THRISSUR DISTRICT.

3. MEBIN, S/O.VINCENT,
   PADATHURUTHY HOUSE, V.P.THURUTHU, METHALA,
   THRISSUR DISTRICT.

4. VIMEJ, S/O.VINCENT,
   PADATHURUTHY HOUSE, V.P.THURUTHU,
   METHALA, THRISSUR DISTRICT.

BY ADV. SRI.JIJO PAUL

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, KODUNGALLUR
POLICE STATION-THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.6999 of 2007

Dated this the 22nd day of November 2007

O R D E R

Application for regular bail. The petitioners are accused 2 to 5. Altogether there are five accused persons. First accused has also been arrested subsequently, it is submitted. The alleged incident took place on 30/9/2007. The deceased was earlier a member of the C.P.M. He had switched his loyalties and crossed over to the B.J.P. The accused persons are allegedly persons owing allegiance to the C.P.M. On the date of the incident that is 30/9/2007, they armed with granite stones and bamboo sticks attacked the victim on account of their animosity towards him. The victim suffered injuries. He was admitted in the hospital. He continued in the hospital till 23/10/2007. He succumbed to his injuries on that day. Investigation is in progress. While the deceased was in the hospital, his statement - dying declaration now, was recorded and that also shows the complicity of all the accused persons, it is submitted. The petitioners surrendered on 1/10/2007. They were remanded. They continue in custody from that date.

2. The learned counsel for the petitioners submits that the petitioners are innocent. Because of political animosity they are arrayed as accused. Even accepting all the allegations, it is doubtful whether the charge of the capital offence of murder would lie against the petitioner, the death having occurred long later on account of peritonitis. In any view of the matter, the petitioners do not deserve to remain in custody any longer. They may be directed to be released on bail subject to appropriate terms and conditions, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor does not oppose the prayer for anticipatory bail. He submits that the investigation has made substantial progress. All the accused have already been arrested. Appropriate conditions may be imposed, submits the learned Public Prosecutor.

4. Having considered all the relevant inputs, I am satisfied that the petitioners can now be directed to be released on bail subject to appropriate terms and conditions.

5. In the result, this petition is allowed. The petitioners shall be released on bail on the following terms and conditions:

i) They shall execute bonds for Rs.1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays for a period of three months and thereafter as and when directed by the investigating officer in writing to do so.

iii) During the said period of three months, the petitioners shall not enter the Sessions Division of Thrissur without the prior permission of the learned Magistrate except for the purpose of complying with condition No.ii) above.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007